IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

a Missouri nonpro	fit corporation))
	Plaintiff,)
v.		Case No. 4:21-cv-00623
Excelsior Springs	School District #40,)
et. al.	Defendants.)))

DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Defendants submit this reply in support of their joint motion for a two-week extension to respond to Plaintiff Northland Parent Association's ("NPA") request for a preliminary injunction.

First, NPA filed this suit—which seeks almost exclusively equitable relief—on August 29, 2021. NPA served all defendants within a few days, on September 2. NPA has not moved for a temporary restraining order. NPA waited almost a month after filing suit, until September 24, to file a motion for preliminary injunction. NPA's conduct thus belies its argument that there is genuine urgency to address NPA's multitude of claims.

<u>Second</u>, the seriousness and breadth of NPA's requested relief counsels in favor of allowing the Defendants the requested time so that they may present cogent legal argument and evidence to the court on a reasonable, unhurried schedule. NPA seeks to enjoin the face mask policies and exemption practices of seven separate public school districts in Platte and Clay counties. If granted, this sweeping request would affect and imperil the health and safety of thousands of schoolchildren, the majority of whom are under the age of 12 and, accordingly, not old enough to be eligible to receive a COVID vaccine. Such an injunction would also have the effect of

invalidating legislatively enacted ordinances within the cities of Kansas City, Missouri and North Kansas City, Missouri—but only on school grounds where the most vulnerable, unvaccinated citizens of those municipalities seek public accommodation.

Finally, as noted in Defendants' motion for extension, the primary purpose of the extension is to enable the various defendants—seven separate school district and two cities, represented by five sets of lawyers—adequate time to coordinate and, hopefully, to file a single response to the motion. Even if the Defendants ultimately need to file two or three response briefs (which they do not currently anticipate) the consolidation should help expedite the process of getting to a resolution. Defendants believe the extension will result in far less paper for the Court to review when deciding the many issues raised by NPA's request for an injunction.

Defendants respectfully ask the Court to grant them an extension until October 22, 2021 to file their response to Plaintiff's Motion for Preliminary Injunction.

Jointly submitted by:

SPENCER FANE LLP

/s/ Stephanie Lovett-Bowman

W. Joseph Hatley, MO# 33189 Stephanie Lovett-Bowman, MO# 63045 Angus Dwyer, MO# 66443

1000 Walnut, Suite 1400 Kansas City, MO 64106

Telephone: (816) 474-8100

Fax: (816) 474-3216 ihatley@spencerfane.com

slovettbowman@spencerfane.com

adwyer@spencerfane.com

ATTORNEYS FOR DEFENDANTS NORTH KANSAS CITY SCHOOL DISTRICT #74, BOARD OF EDUCATION OF NORTH KASNAS CITY SCHOOL DISTRICT #74, SMITHVILLE R-II SCHOOL DISTRICT, BOARD OF

EDCOUNSEL, LLC

/s/ Ryan S. Van Fleet

Duane A Martin, MO# 44204 4215 Philips Farm Rd., Suite 101 Columbia, MO 65201

Telephone: (573) 777-9645

Fax: (573) 777-9648 dmartin@edcounsel.law

Ryan S. Van Fleet, MO# 64210 201 North Forest Avenue Suite 200 Independence, MO 64050 Telephone: (816) 252-9000 rvanfleet@edcounsel.law

ATTORNEYS FOR DEFENDANTS **KEARNEY R-1 SCHOOL DISTRICT** AND BOARD OF EDUCATION OF KEARNEY R-I SCHOOL DISTRICT

EDUCATION OF SMITHVILLE R-II SCHOOL DISTRICT, PARK HILL SCHOOL DISTRICT AND BOARD OF EDUCATION OF PARK HILL SCHOOL DISTRICT

HINKLE LAW FIRM LLC

/s/ Michelle R. Stewart

Michelle R. Stewart, MO# 51737 Lindsey Freihoff, MO # 73240 8711 Penrose Lane Suite 400 Lenexa, KS 66219 Telephone: (913) 345-9205

Fax: (913) 345-4832 <u>mstewart@hinklaw.com</u> <u>lfreihoff@hinklaw.com</u>

ATTORNEYS FOR DEFENDANTS BRYANT DELONG MAYOR OF NORTH KANSAS CITY, MISSOURI, in his official capacity, AND CITY COUNCIL OF NORTH KANSAS CITY, MISSOURI

OFFICE OF THE CITY ATTORNEY CITY OF KANSAS CITY, MISSOURI

/s/ Tara Kelly

Tara M. Kelly, #64624 Associate City Attorney 2300 City Hall, 414 E. 12th Street Kansas City, Missouri 64106 Telephone: (816) 513-3117

Facsimile: (816) 513-3133 Email: tara.kelly@kcmo.org

ATTORNEY FOR DEFENDANTS QUINTON LUCAS, MAYOR OF KANSAS CITY, MISSOURI, in his official capacity, AND CITY COUNCIL OF KANSAS CITY, MISSOURI

GUIN MUNDORF, LLC

/s/ Jessica Bernard

Jessica Bernard, MO# 58980 Ryan Fry, MO# 52143 4520 Main Street, Suite 520 Kansas City, MO 64111 Telephone: (816)333-1700 Fax: (816) 886-3860

jbernard@gmschoollaw.com

ATTORNEYS FOR DEFENDANTS
BOARD OF EDUCATION OF
EXCELSIOR SPRINGS SCHOOL
DISTRICT #40, EXCELSIOR SPRINGS
SCHOOL DISTRICT #40, LIBERTY 53
SCHOOL DISTRICT, BOARD OF
EDUCATION OF LIBERTY 53 SCHOOL
DISTRICT, PLATTE COUNTY SCHOOL
DISTRICT R-III, BOARD OF
EDUCATION OF PLATTE COUNTY
SCHOOL DISTRICT R-III

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed electronically with the United States District Court for the Western District of Missouri via the CM/ECF system, with notice of case activity generated and sent electronically on this 1st day of October 2021, to all counsel of record.

> /s/ Stephanie Lovett-Bowman Attorney for Defendants